

02-07-01

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O] 858-677-1456  
F] 858-677-1465

February 5, 2001

**Attorney Docket No.: DIVER1370-6**

Parent Serial No. 09/318,528

Parent Filing Date: May 25, 1999

**Box PATENT APPLICATION**

Commissioner for Patents

Washington, D.C. 20231

J1003 U.S. PTO  
09/777566  
02/05/01

Presented for filing is a new continuation patent application of:

**Applicant:** JAY M. SHORT and KEITH A. KRETZ

**Title:** RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

The prior application is assigned of record to Diversa Corporation by virtue of an Assignment recorded on August 22, 2000 at Reel 011053/Frame 0941.

Enclosed are the following papers, including all those required to receive a filing date under 37 CFR § 1.53(b):

	<u>Pages</u>
Specification	85
Claim(s)	2
Abstract	1
Declaration	3
Drawing(s)	4
Revocation of Powers of Attorney; Power of Attorney by Assignee; Change of Mailing Address	2

<p>"EXPRESS MAIL" Mailing Label Number <b>EL476994149US</b>  Date of Deposit <b>February 5, 2001</b>  I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231  <u>Michael Kayley</u>  <u>Michael Kayley</u></p>
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SILICON VALLEY SAN DIEGO SAN DIEGO/GOLDEN TRIANGLE SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA

Gray Cary\GT\6223459.1  
104703-990000

Gray Cary Ware & Freidenrich LLP

Docket No. DIVER1370-6

Box Patent Application

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Enclosures:

New disclosure information, including:

Information disclosure statement, 2 pages

Form PTO-1449, 2 pages

One (1) U.S. Patent Document;

Two (2) Foreign Patent Documents;

Eight (8) Other Document references.

Permission to Use Sequence Listing, 2 pages

Paper copy of sequence listing, 5 pages

Postcard.

Under 35 USC § 120, this application claims the benefit of prior U.S. Application No. 09/318,528, now U.S. Patent No. 6,183,740, filed May 25, 1999, which is a continuation-in-part of U.S. Patent Application No. 09/291,931, filed April 13, 1999, which is a continuation of U.S. Patent No. 09/259,214, now U.S. Patent No. 6,110,719, filed March 1, 1999, which is a divisional of U.S. Patent No. 08,910,798, now U.S. Patent No. 5,876,997, filed August 13, 1997, the contents of which are incorporated by reference in their entirety herein.

Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. §1.27 a Verified Statement is not required.

Basic filing fee	\$	355.00
Total claims in excess of 20 (0 times \$18.00)	\$	0.00
Independent claims in excess of 3 (0 times \$80.00)	\$	0.00
Multiple dependent claims	\$	0.00
Total filing fee:	\$	355.00

Enclosed is a check in the amount of \$355.00 for the filing fee. Please charge Deposit Account No. 50-1355 for any fees or credits believed to be due.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Gray Cary Ware & Freidenrich LLP

Docket No. DIVER1370-6

Box Patent Application

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Page Three

Please send all correspondence to:

Lisa A. Haile, Ph.D.  
Gray Cary Ware & Freidenrich LLP  
4365 Executive Drive, Suite 1600  
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Telephone: 858-677-1456  
Facsimile: 858-677-1465

Very truly yours,

GRAY CARY WARE & FREIDENRICH LLP

A handwritten signature in cursive script, reading "Lisa A. Haile", written over a horizontal line.

Lisa A. Haile, Ph.D.

Reg. No. 38,347

Telephone: 858-677-1456

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Gray Cary\GT\6223459.1

104703-990000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jay M. Short et al.

Parent Application No.: 09/318,528

Parent Filed: May 25, 1999

Filed: February 5, 2001

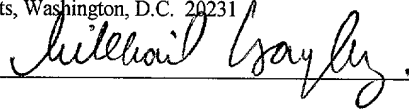
For: RECOMBINANT BACTERIAL  
PHYTASES AND USES THEREOF

) Group Art Unit: Unassigned  
)

) Examiner: Unassigned  
)

) "EXPRESS MAIL" Mailing Label Number EL476994149US  
) Date of Deposit February 5, 2001  
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) Mikhail Bayley  
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**Box Patent Application**  
Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL SHEET**

Sir:

Transmitted herewith for the above-identified application please find:

1. Information Disclosure Statement;
2. Form PTO-1449;
3. One (1) U.S. Patent document;
4. Two (2) Foreign Patent documents;
5. Eight (8) Other Documents references.

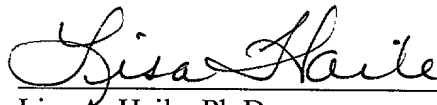
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PATENT  
Attorney Docket No.: DIVER1370-6

No fee is believed to be due in connection with the filing of this paper since the Information Disclosure Statement is being filed before the receipt of a first Office Action. However, if any fee is required, authorization is hereby given to charge the amount of any such fee, or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: 2/5/01



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In re Application of: Short et al.  
Application No. 09/318,528  
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Page 3

PATENT  
ATTORNEY DOCKET NO.: DIVER1370-3

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**DIVERSA CORPORATION**

a corporation of the state of California

By:   
Name: Carolyn Erickson  
Title: Vice President of Intellectual Properties  
Date: 01/24/00